

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 1, line 8, to clarify that the instant plant is a naturally occurring mutation of the cultivar 'Pink Champion.'

B. The specification has been amended at page 1, lines 16 and 17, and at page 4, line 12, to clarify that the instant plant was selected as a flowering plant within a --planting of the production clone--.

C. The specification has been amended at page 1, line 17, to place single quotes around the cultivar name 'Pink Champion'.

D. The specification has been amended at page 1, line 18, to provide the method and location in which the instant plant was asexually reproduced. In addition, the specification has been amended at page 4, line 16, to state that the instant plant's characteristics are firmly fixed and retained through successive generations of asexual reproduction.

E. The specification has been amended at page 2, between lines 15 and 16, to import a comparison between the instant plant and the parental cultivar 'Pink Champion'.

F. The specification has been amended at page 2, line 7, and the abstract, to replace the recitation "peduncle" with --scape--.

G. The specification has been amended at page 2, lines 7, 12, 14 and 15, and at page 3, lines 5 - 11, to replace the recitations "flowers" and "flower" with --inflorescences-- and --inflorescence--.

H. The specification has been amended at page 3, lines 16 and 17, to set forth the age of the plant described and container size.

I. The specification has been amended at page 5, line 4, to set forth the plant shape.

J. The specification has been amended at page 5, line 6, and at page 2, line 5, and abstract, to clarify that the plant's mature height is approximately --35 – 70 cm-- in height.

K. The specification has been amended at page 5, line 7, to provide the leaf margin descriptor.

L. The specification has been amended at page 6, line 3, to correct the leaf length from "15" to --18 cm--.

M. The specification has been amended at page 7, line 13, to provide the lastingness of the inflorescence.

N. The specification has been amended at page 6, line 18, to provide the color of the scape.

O. The specification has been amended at page 6, line 19, and page 7, lines 1 and 2, and abstract to replace the recitation "peduncle" with --scape--.

P. The specification has been amended at page 7, line 20, to provide the spathe margin descriptor.

Q. The specification has been amended at page 7, lines 10 – 12, to replace the recitations "blossoms" and "flowers" with --inflorescences--.

R. The specification has been amended at page 8, line 3, to set forth the RHS values for the "white" spadix color.

S. The specification has been amended at page 8, line 4, to import information relative to the berries.

T. The specification has been amended at page 7, line 20, to import additional information regarding the spadix.

Due to the number of changes, Applicant attaches a substitute specification. The Examiner is authorized to substitute the attached specification for the specification as filed. The substitute specification contains no new matter.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Atty. Dkt. No. 055506/0114
Serial No. 10/612,049

Respectfully submitted,

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